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10/552,646	07/18/2006	Guido Muesch	2003P00236WOUS	2630

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EXAMINER

KHAN, SUHAIL

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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08/18/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/552,646	Applicant(s) MUESCH ET AL.
	Examiner SUHAIL KHAN	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____.</p> |
|---|---|

DETAILED ACTION

This Action is in response to Applicant's amendment filed on 5/12/2011. **Claims 2-17** are still pending in the present application. After consideration of the amended claims, the Examiner presents new ground(s) of rejection in this Office Action. **This Action is made NON-FINAL.**

Claim Objections

Claims 2-9, 13, and 15 are objected to because of the following informalities:

Claims 2-8 should preferably be arranged in order of scope so that the first claim presented is the least restrictive. All dependent claims should be grouped together with the claim or claims to which they refer to the extent practicable.

Claim 4 further states "ID" in line 6. Suggest expanding "ID" as follows to lend clarity to the Claim: replace "ID" with --identification (ID)-- in line 6 of Claim 4.

Claim 5 states "the encoded ID" in line 2. There is no antecedent basis for "encoded ID". Suggest deleting --encoded-- before "ID" in line 2 of Claim 5.

Claim 8 states "network includes the first code being transmitted over a longer time period" in line 3. There is no antecedent basis for "first code". Suggest deleting --first-- before "code" in line 3 and further amending the claim so as to provide proper referencing to "code" as in Claim 4, and to hence render Claim 8 specific. Further, the limitation "longer" in line 3 of Claim 8 renders the claim indefinite because it is unclear as to what the limitation is comparing the

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claimed "time period" to. Suggest adding limitation to provide clarity to the claim.

Claim 9 states "ID" in line 4. Suggest expanding "ID" as follows to lend clarity to the Claim: replace "ID" with --identification (ID)-- in line 4 of Claim 9.

Claim 15 states "A system for allocation medical network devices" in lines 1-2. Suggest changing "allocation" to --allocating-- in line 1 of Claim 15, to lend proper grammatical structure to the Claim. Further, Claim 15 states "ID" in line 6. Suggest expanding "ID" as follows to lend clarity to the Claim: replace "ID" with --identification (ID)-- in line 6 of Claim 15.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

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the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-4 and 9-11 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)**.

Referring to **Claim 4**, Berardi et al. disclose a method of allocating network elements to a wireless network (Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, and fob gets access to network; Paragraph 36 lines 1-8, wireless; Paragraph 71 lines 10-16, fobs) comprising: with an allocation unit, transmitting a code to a first network element and to a second network element (Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto fob and RFID reader; account number interpreted as code; Personalization system interpreted as allocation unit; fob interpreted as first network element; RFID reader interpreted as second network element) the first network element receiving the code, transmitting an ID of the first network element together with the code (Paragraph

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87 lines 9-13, fob provides account number to RFID reader; Paragraph 38 lines 1-8 and 29-33, account number includes identification of fob); the second network element receiving the code from the allocation unit and the first network element ID together with the code, allocating the first network element to a network of the second network element (Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, hence fob gets access to network/system via RFID reader, interpreted as allocation).

However, Berardi et al. do not explicitly disclose a network element transmitting information in response to receiving a code.

In the same field of endeavor, Shutterly discloses a network element transmitting information in response to receiving a code (col 2 lines 35-37, receive code, send message).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate a network element transmitting information in response to receiving a code, as taught by Shutterly, in the method of Berardi et al., for the purpose of providing digital communications using a polling system (Shutterly, col 2 lines 22-25 and 33-35).

Referring to **Claim 2** as applied to Claim 4, Berardi et al. as modified by Shutterly disclose the method, wherein the allocation unit transmits information (Berardi et al., Paragraph 72 lines 5-11).

However, Berardi et al. as modified by Shutterly above, do not explicitly disclose transmitting an encoded light pulse.

In the same field of endeavor, Shutterly discloses transmitting an encoded

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light pulse (col 1 lines 30-32, digital data and col 3 lines 40-44, light pulses).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate transmitting an encoded light pulse, as taught by Shutterly, in the method of Berardi et al. and Shutterly, for the purpose of providing communications in a network (Shutterly, col 1 lines Abstract).

Referring to **Claim 3** as applied to Claim 4, Berardi et al. as modified by Shutterly disclose the method, wherein the allocation unit transmits an encoded radio signal (Berardi et al., Paragraph 72 lines 5-11, RF interface for sending information such as account number using radio signal, hence encoded radio signal between Personalization system and other devices; Also, Paragraph 77 lines 1-3, encrypted account number).

Referring to **Claim 9**, Berardi et al. disclose an allocation unit for allocating network elements to a wireless network (Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, and fob gets access to network; RFID reader and fob interpreted as network elements; Paragraph 72 lines 1-5, personalization system, interpreted as allocation unit, initializes fob and RFID reader, Paragraph 36 lines 1-8, wireless; Paragraph 71 lines 10-16, fobs), comprising: a transmitter which transmits, in a user-controlled manner, a code to a first network element (Paragraph 74 lines 1-9 and 22-32, and Paragraph 77 lines 1-8, account number loaded onto fob, hence transmitted by personalization system incorporating transmitter; interface for manual entry, hence user controlled; account number interpreted as code; fob interpreted as first network

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element), the first network element transmits its ID together with the code to a second network element which allocates the first network element to its network (Paragraph 87 lines 9-13, fob provides account number to RFID reader, interpreted as second network element; Paragraph 38 lines 1-8 and 29-33, account number includes identification of fob; Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, hence fob gets access to network/system via RFID reader, interpreted as allocation).

However, Berardi et al. do not explicitly disclose a network element transmitting information in response to receiving a code.

In the same field of endeavor, Shutterly discloses a network element transmitting information in response to receiving a code (col 2 lines 35-37, receive code, send message).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate a network element transmitting information in response to receiving a code, as taught by Shutterly, in the allocation unit of Berardi et al., for the purpose of providing digital communications using a polling system (Shutterly, col 2 lines 22-25 and 33-35).

Referring to **Claim 10** as applied to Claim 9, Berardi et al. as modified by Shutterly disclose the allocation unit, wherein the transmitter comprises: a device for transmitting an encoded light pulse and/or an encoded radio signal (Berardi et al., Paragraph 72 lines 5-11, RF interface for sending information such as account number using radio signal, hence encoded radio signal between Personalization system and other devices; Also, Paragraph 77 lines 1-3,

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encrypted account number).

Referring to **Claim 11** as applied to Claim 9, Berardi et al. as modified by Shutterly disclose the allocation unit, wherein the first network element transmit its ID together with the code and the second network element receives the first network element ID from the first network element (Paragraph 87 lines 9-13, fob provides account number to RFID reader; hence transmit and receive).

However, Berardi et al. as modified by Shutterly do not explicitly disclose a code causing a network element to transmit information.

In the same field of endeavor, Shutterly discloses a code causing a network element to transmit information (col 2 lines 35-37, receive code, send message).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate a code causing a network element to transmit information, as taught by Shutterly, in the allocation unit of Berardi et al. and Shutterly, for the purpose of providing digital communications using a polling system (Shutterly, col 2 lines 22-25 and 33-35).

Claims 5 and 12 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)** as applied to claims 4 and 9 above, and further in view of **Jakobsson et al. (U.S. Patent Application Publication No. 2004/0172535)**.

Referring to **Claim 5** as applied to Claim 4, Berardi et al. as modified by Shutterly disclose the method, wherein the allocation unit transmits an encoded ID to the second network element (Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto RFID reader).

However, Berardi et al. as modified by Shutterly explicitly do not disclose receiving an encoded ID from a first network element and transmitting it to a second network element.

In the same field of endeavor, Jakobbson et al. disclose receiving an encoded ID from a first network element and transmitting it to a second network element (Fig. 1 and Paragraph 48 lines 6-9 and 18-23, information generated by user/device communicated to verifier via communication terminal; Also, Paragraph 58 lines 1-12, verify the user).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate receiving an encoded ID from a first network element and transmitting it to a second network element, as taught by Jakobbson et al., in the method of Berardi et al. and Shutterly, for the purpose of providing a communication path and granting access to data (Jakobbson et al., Paragraph 48 lines 18-23).

Referring to **Claim 12** as applied to Claim 9, Berardi et al. as modified by Shutterly above disclose the allocation unit (Paragraph 74 lines 1-9, Personalization system interpreted as allocation unit).

However, Berardi et al. as modified by Shutterly explicitly do not disclose the unit further including: a receiver which receives encoded IDs.

In the same field of endeavor, Jakobbson et al. disclose the unit further including: a receiver which receives encoded IDs (Fig. 1 and Paragraph 48 lines 6-9 and 18-23, information generated by user/device communicated to verifier via communication terminal; Also, Paragraph 58 lines 1-12, verify the user; Paragraph 45 lines 11-14, transceiver).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate the unit further including: a receiver which receives encoded IDs, as taught by Jakobbson et al., in the allocation unit of Berardi et al. and Shutterly, for the purpose of providing a communication path and granting access to data (Jakobbson et al., Paragraph 48 lines 18-23).

Claims 6, 7, and 14 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)** as applied to claims 4 and 6 above, and further in view of **Kondo et al. (U.S. Patent No. 6442150)**.

Referring to **Claim 6** as applied to Claim 4, Berardi et al. as modified by Shutterly disclose the method, with the allocation unit (Paragraph 74 lines 1-9, Personalization system interpreted as allocation unit).

However, Berardi et al. as modified by Shutterly do not disclose the unit transmits a second code which causes the first network element to leave the network of the second network element.

In the same field of endeavor, Kondo et al. disclose transmits a second code which causes the first network element to leave the network of the second network element (col 5 lines 32-35, controller sends message to base station resulting in termination in communication between base station and mobile station; base station interpreted as second network element and mobile station interpreted as first network element).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate transmits a second code which causes the first network element to leave the network of the second network element, as taught by Kondo et al., in the method of Berardi et al. and Shutterly, for the purpose of availability of another network element for connectivity (Kondo et al., col 5 lines 41-43).

Referring to **Claim 7** as applied to Claim 4, Berardi et al. as modified by Shutterly disclose the method, where the second network element has a network administration function (Paragraph 88 lines 1-5, RFID reader connected to system, interpreted as second network device, receives and forwards fob information to network, and fob gets access to network; hence RFID reader has network administration function).

However, Berardi et al. as modified by Shutterly do not disclose the unit transmits a second code which causes the second network element to break up the network.

In the same field of endeavor, Kondo et al. disclose the unit transmits a second code which causes the second network element to break up the network

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(col 5 lines 32-35, controller sends message to base station resulting in termination in communication between base station and mobile station; base station interpreted as second network element and mobile station interpreted as first network element).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate the unit transmits a second code which causes the second network element to break up the network, as taught by Kondo et al., in the method of Berardi et al. and Shutterly, for the purpose of availability of another network element for connectivity (Kondo et al., col 5 lines 41-43) (Kondo et al. col 5 lines 41-43).

Referring to **Claim 14** as applied to Claim 9, Berardi et al. as modified by Shutterly disclose the allocation unit, further including: a transmitter which transmits, in a user-controlled manner (Paragraph 74 lines 1-9 and 22-32, and Paragraph 77 lines 1-8, account number loaded onto fob, hence transmitted by personalization system incorporating transmitter; interface for manual entry, hence user controlled) and the second network element which has a network administration function (Paragraph 88 lines 1-5, RFID reader connected to system, interpreted as second network device, receives and forwards fob information to network, and fob gets access to network; hence RFID reader has network administration function).

However, Berardi et al. as modified by Shutterly do not disclose the unit transmits a second code which causes the first network element to leave the network of the second network element or which causes the second network

element, to break up the network.

In the same field of endeavor, Kondo et al. disclose the unit transmits a second code which causes the first network element to leave the network of the second network element or which causes the second network element, to break up the network (col 5 lines 32-35, controller sends message to base station resulting in termination in communication between base station and mobile station; base station interpreted as second network element and mobile station interpreted as first network element).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate the unit transmits a second code which causes the first network element to leave the network of the second network element or which causes the second network element, to break up the network, as taught by Kondo et al., in the allocation unit of Berardi et al. and Shutterly, for the purpose of availability of another network element for connectivity (Kondo et al., col 5 lines 41-43) (Kondo et al. col 5 lines 41-43) (Kondo et al.).

Claim 8 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)** further in view of **Kondo et al. (U.S. Patent No. 6442150)** as applied to claim 6 above, and further in view of **Snowden et al. (U.S. Patent No. 5974032)**.

Referring to **Claim 8** as applied to Claim 6, Berardi et al. as modified by Shutterly disclose the method and the first code (Paragraph 74 lines 1-9 and 28-32, Paragraph 77 lines 1-8, and Paragraph 87 lines 9-13, account number interpreted as first code).

However, Berardi et al. as modified by Shutterly do not disclose the second code for removing network elements or for breaking up the network includes the code being transmitted over a longer time period or a number of times.

In the same field of endeavor, Kondo et al. disclose the second code for removing network elements or for breaking up the network (col 5 lines 32-35, controller sends message to base station resulting in termination in communication between base station and mobile station; mobile station interpreted as network element).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate the second code for removing network elements or for breaking up the network, as taught by Kondo et al., in the method of Berardi et al. and Shutterly, for the purpose of availability of another network element for connectivity (Kondo et al., col 5 lines 41-43) (Kondo et al. col 5 lines 41-43) (Kondo et al.).

However, Berardi et al. as modified by Shutterly and Kondo et al. above do not disclose a code includes another code being transmitted over a longer time period or a number of times.

In the same field of endeavor, Snowden et al. disclose a code includes

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another code being transmitted over a longer time period or a number of times (col 12 lines 5-6, message transmitted multiple times interpreted as coded including another code transmitted a number of time).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate a code includes another code being transmitted over a longer time period or a number of times, as taught by Snowden et al., in the method of Berardi et al., Shutterly and Kondo et al., for the purpose of improving delivery reliability (Snowden et al., col 12 lines 5-6).

Claim 13 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)** as applied to claim 9 above, and further in view of **Mimura (U.S. Patent No. 6021123)**.

Referring to **Claim 13** as applied to Claim 9, Berardi et al. as modified by Shutterly disclose the allocation unit further including: one or more devices (Paragraph 74 lines 1-9 and 22-28, Personalization system interpreted as allocation unit, interface).

However, Berardi et al. as modified by Shutterly above do not disclose one or more devices which display a respective operating state.

In the same field of endeavor, Mimura discloses one or more devices which display a respective operating state (col 7 lines 40-44, display, operating state).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate one or more devices which display a respective operating state, as taught by Mimura, in the allocation unit of Berardi et al. and Shutterly, for the purpose of displaying the state of a mobile device (col 7 lines 40-44).

Claims 15-17 rejected under 35 U.S.C.103(a) as being unpatentable over **Berardi et al. (U.S. Patent Application Publication No. 2004/0049451)** in view of **Shutterly (U.S. Patent No. 4641373)**, and further in view of **Petrick (U.S. Patent Application Publication No. 2003/0016122)**.

Referring to **Claim 15**, Berardi et al. disclose a system for allocation network devices to a wireless network (Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, and fob gets access to network; Paragraph 36 lines 1-8, wireless; Paragraph 71 lines 10-16, fobs) comprising: an allocation unit which transmits an encoded code in response to a user command (Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto fob; account number interpreted as encoded code; Personalization system interpreted as allocation unit; Also, Paragraph 77 lines 1-3, encrypted account number; Paragraph 74 lines 22-28, interface for manual entry, hence user command); a unassigned first network device which receives the encoded code (Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto fob, interpreted as unassigned first network

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device, as it doesn't have access to system before going through RFID reader) and transmits an encoded first network device ID with the encoded code (Paragraph 87 lines 9-13, fob provides account number to RFID reader; Paragraph 38 lines 1-8 and 29-33, account number includes identification of fob; Also, Paragraph 87 lines 9-13, encrypted account number); a second network device, assigned to an existing network and having network administration functions (Paragraph 88 lines 1-5, RFID reader connected to system, interpreted as second network device, receives and forwards fob information to network, and fob gets access to network; hence RFID reader has network administration functions), which second network device receives the encoded code from the allocation unit (Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto RFID reader), the encoded first network device ID (Paragraph 87 lines 9-13, fob provides account number to RFID reader), assigns the first network device to the existing network, and reception of the encoded code from the allocation unit (Paragraph 88 lines 1-8, RFID reader receives and forwards fob information to network, and fob gets access to network; Paragraph 74 lines 1-9 and 28-32, and Paragraph 77 lines 1-8, account number loaded onto fob).

However, Berardi et al. do not explicitly disclose a network element transmitting information in response to receiving a code, and that network devices are medical devices.

In the same field of endeavor, Shutterly discloses a network element transmitting information in response to receiving a code (col 2 lines 35-37,

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receive code, send message).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate a network element transmitting information in response to receiving a code, as taught by Shutterly, in the system of Berardi et al., for the purpose of providing digital communications using a polling system (Shutterly, col 2 lines 22-25 and lines 33-35).

However, Berardi et al. as modified by Shutterly above do not disclose that network devices are medical devices.

In the same field of endeavor, Petrick discloses that the network devices are medical devices (Paragraph 8 lines 28-32, device).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate that network devices are medical devices, as taught by Petrick, in the system of Berardi et al. and Shutterly, for the purpose of providing treatment (Peterick, Paragraph 8 lines 28-32).

Referring to **Claim 16** as applied to Claim 15, Berardi et al. disclose the system, wherein the allocation unit transmits information (Berardi et al., Paragraph 72 lines 5-11).

However, Berardi et al. do not disclose transmitting an encoded light pulse.

In the same field of endeavor, Shutterly discloses transmitting an encoded light pulse (col 1 lines 30-32, digital data and col 3 lines 40-44, light pulses).

Therefore, it would have been obvious to a person of ordinary skill at the time the invention was made to incorporate transmitting an encoded light pulse,

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as taught by Shutterly, in the method of Berardi et al., Shutterly and Petrick, for the purpose of providing communications in a network (Shutterly, col 1 lines Abstract).

Referring to **Claim 17** as applied to Claim 15, Berardi et al. as modified by Shutterly and Petrick disclose the system, wherein the allocation unit transmits an encoded radio signal (Berardi et al., Paragraph 72 lines 5-11, RF interface for sending information such as account number using radio signal, hence encoded radio signal between Personalization system and other devices; Also, Paragraph 77 lines 1-3, encrypted account number).

Response to Arguments

Applicant's arguments with respect to claims 2-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUHAIL KHAN whose telephone number is (571) 270-7187. The examiner can normally be reached on M-Th 6:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/sk/

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617